

FILED

AUG 05 2019

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

JOSHUA THOMAS WENTWORTH,
a.k.a., Worm,

Case No. 1:19-mj-71186 km1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 12, 2019 in the county of Humboldt in the
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Felon In Possession of Firearm

This criminal complaint is based on these facts:

See attached Affidavit of Timothy J. Dykman, Special Agent, Federal Bureau of Investigation

☒ Continued on the attached sheet.

Approved as to form

Patrick K. O'Brien
AUSA Patrick K. O'BrienTimothy J. Dykman
Complainant's signature

Timothy J. Dykman, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/5/2019City and state: McKinleyville, CARobert M. Illman
Judge's signature

Honorable Robert M. Illman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR COMPLAINT

I, Timothy J. Dykman, Special Agent with the Federal Bureau of Investigation, being duly sworn, state:

INTRODUCTION

1. I make this affidavit in support of an application under Rule 4 of the Federal Rules of Criminal Procedure for a criminal complaint and arrest warrant authorizing the arrest of Joshua WENTWORTH, also known as "Worm," for being a felon in possession of a firearm in violation of Title 18, United States Code, Section 922(g)(1) (hereafter, the "Target Offense").

SOURCES OF INFORMATION

2. This affidavit is submitted for the limited purpose of a securing a criminal complaint and arrest warrant. I have not included every fact known to me concerning this investigation. Instead, I have set forth only the facts necessary to establish probable cause that violations of the federal law identified above have occurred.

3. I have based my statements in this affidavit on my training and experience, personal knowledge of the facts and circumstances obtained through my participation in this investigation, information provided by other agents and law enforcement officers, including officers from the Humboldt County Sheriff's Office, information provided by reports prepared by other agents and law enforcement officers, and information provided by records and databases, including regarding WENTWORTH's criminal history. Where I refer to conversations and events, I often refer to them in substance and in relevant part rather than in their entirety or verbatim, unless otherwise noted. This affidavit also reflects my current understanding of facts relating to this investigation, but my understanding may change in the future as the investigation proceeds. My experience and training as an FBI Special Agent and my participation in this investigation form the basis of the opinions and conclusions set forth below.

AFFIANT BACKGROUND

4. I am a Special Agent of the United States Department of Justice, Federal Bureau of Investigation, and have been so employed since October 2007. I am currently assigned to the San Francisco Field Division. As part of my duties as a Special Agent, I investigate criminal violations involving violent crimes, including violent street gangs, bank robberies, drug trafficking, and Firearms Act violations. I received training and graduated from the FBI New Agent Training Program at the FBI Academy in Quantico, Virginia.

5. Prior to becoming a FBI Special Agent, I was a Police Officer in Scottsdale, Arizona from November 2000 to October 2007, which included approximately two years as a Detective investigating property crimes and computer crimes. I received training and graduated from the Arizona Law Enforcement Academy in Phoenix, Arizona. Over my career as a municipal and federal law enforcement officer, I have received training in criminal procedure, search and seizure, violent crimes, and gang organizations. I have participated in numerous state and federal investigations, search warrants, and arrests involving firearms and narcotics offenses.

APPLICABLE STATUTES

6. Title 18, United States Code, Section 922(g)(1) provides: "It shall be unlawful for any person . . . who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."

7. The elements of the Target Offense (18 U.S.C. § 922(g)(1)) are as follows: the defendant (1) knowingly possessed a firearm or ammunition; (2) that firearm or ammunition had been shipped or transported from one state to another, or between a foreign nation and the United States; and (3) at the time the defendant possessed the firearm or ammunition, the defendant knew he had been convicted of a crime punishable by imprisonment for a term exceeding one year.

FACTS SUPPORTING PROBABLE CAUSE

A. Recovery of Firearms and Ammunition from WENTWORTH's Trailer

8. On May 12, 2019, officers with the Humboldt County Sheriff's Office investigating a string of burglaries in and around Humboldt County responded to the Redwood Coast Cabins and RV Campground in Eureka, California, looking for WENTWORTH. Officers believed WENTWORTH may have been involved in the burglaries and also knew WENTWORTH had a warrant for his arrest. Officers located a trailer with a white Ford pickup truck, with California license number 86044G1, which had a release of liability to WENTWORTH parked in the campground. Management at the campground confirmed that the space where the pickup truck and trailer were parked was registered to Tamara Wentworth. Officers knew Tamara Wentworth to be WENTWORTH's wife.

9. Officers knocked on the trailer door, announcing themselves as officers from the Sheriff's Office and requested that WENTWORTH and any other occupants exit the trailer. Approximately 10 minutes later, WENTWORTH and his wife Tamara Wentworth came to the door. No one else was in the trailer. WENTWORTH immediately surrendered to his warrant and was placed in handcuffs in the back of one of the officer's cars.

10. Officers proceeded to search WENTWORTH's trailer pursuant to his status on Post Release Community Supervision. During the search, officers found seven firearms and a large amount of ammunition in the storage area under the bed. Specifically, officers found two AR-15 style assault rifles with no serial numbers or other manufacturing marking. Officers also found five pistols, including three Glock-style pistols capable of accepting .40 caliber ammunition. Officers also found WENTWORTH's wallet in the bedroom next to clothing including several face-covering masks with skull prints.

11. One of the pistols that was recovered was a black and tan Glock model 22 .40 caliber pistol. This pistol had a Glock conversion device, also known as a "Glock switch," attached to the rear of the slide, which made the pistol a fully automatic machinegun.

12. Officers also seized several extended magazines loaded with ammunition in and

around the firearms described above, including a 50-round polymer drum magazine that appeared to be loaded to capacity with .40 caliber ammunition for a Glock .40 caliber pistol, two polymer SGM Tactical 29-round magazines for a Glock .40 caliber pistol, a 40-round magazine containing approximately 30 rounds of 5.56x45mm caliber ammunition, and a 30-round magazine containing approximately 30 rounds of 5.56x45mm caliber ammunition.

13. In addition to firearms and ammunition listed above, officers found suspected heroin and methamphetamine paraphernalia in the trailer, as well as multiple shaved keys for unauthorized access to vehicles and two chainsaws and decorative plants that were previously reported stolen in other cases being investigated by the Humboldt County Sheriff's Office.

14. The picture copied below shows certain items described above, including the aforementioned firearms and ammunition, that were seized from WENTWORTH's trailer (as organized by officers with the Humboldt County Sheriff's Office after the search and arrest):



B. Interstate Nexus

15. I subsequently investigated the firearms and ammunition seized from WENTWORTH's trailer to determine where they were manufactured. There is probable cause to conclude that at least some of the firearms and ammunition described above were shipped or

transported from one state to another or from a foreign country to the United States before WENTWORTH possessed them.

16. For example, one of the handguns seized from the trailer was a Glock .40 caliber pistol, bearing serial number NCA571, and an inscription reading "Ginny the Whore" on it. According to a report from the Bureau of Alcohol, Tobacco, Firearms and Explosives that I reviewed, this firearm was not manufactured in the United States. It was also traced to a purchaser in Oregon. Based on my training and experience, this firearm must have been shipped or transported from one state to another or from a foreign country to the United States before WENTWORTH possessed it.

C. WENTWORTH's Criminal History

17. I have also reviewed WENTWORTH's criminal history as part of my investigation. WENTWORTH has been previously convicted of multiple crimes punishable by imprisonment for a term exceeding one year. For example, WENTWORTH was convicted for being a felon in possession of a firearm in violation of California Penal Code § 29800(a) in Case Number CR1504214C in Humboldt County Superior Court. On May 17, 2017, he received a sentence of 3 years in prison for this conviction. Also on May 17, 2017, WENTWORTH was sentenced to 8 months in prison (to be served consecutively to his 3-year prison sentence announced the same day) for a separate felony conviction for being a felon in possession of a firearm arising from a different incident in Case Number CR1700955 in Humboldt County Superior Court. There is probable cause to believe that WENTWORTH knew he had been convicted of a crime in any court punishable by imprisonment for a term exceeding one year, among other reasons because he actually received a 3-year prison sentence for his prior conviction in Case Number CR1504214C.

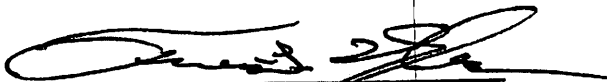
18. Following the search and arrest described above, WENTWORTH was charged in state court with, among other things, being a felon in possession of a firearm. Those charges remain pending.

SEALING REQUEST

19. Based on my training and experience, disclosure of the existence of this affidavit, the complaint, the arrest warrant, and related documents may cause WENTWORTH or other co-conspirators unknown at this time to destroy evidence or conceal on-going criminal activity, jeopardizing the progress of the ongoing investigation. I therefore request that the Court seal this affidavit, the complaint, the arrest warrant, and related documents.

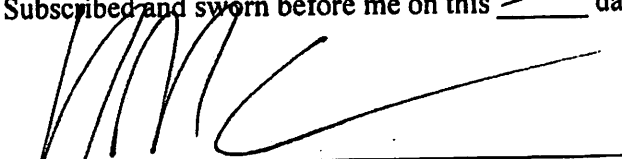
CONCLUSION

20. On the basis of my participation in this investigation and the information summarized above, there is probable cause to believe that on May 12, 2019, in the Northern District of California, WENTWORTH committed the crime of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).



TIMOTHY DYKMAN
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me on this 5th day of August, 2019.



HONORABLE ROBERT M. ILLMAN
UNITED STATES MAGISTRATE JUDGE